5670897/2022/TW-LTR-SOW01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TRIBAL WELFARE DEPARTMENT - LTR - Revision Petition filed by Smt. Nandamuri Atchamamba W/o Satyanarayana Murthy and Smt. Daparthi Sumathi, W/o Satyanarayana, W.G District against the orders of Agent to Government, West Godavari District in S.R.A No. 8/1999, dt. 14.02.2001 in respect of land measuring Acres 3.47 cts. in R.S. No. *393 /5* and measuring Ac. 1.75 cts. in R.S. No. 393/7 of Pragadapalli (V), Polavaram (M), West Godavari District - Dismissed – Orders - issued.

SOCIAL WELFARE (TW.LTR.I) DEPARTMENT

G.O.MS.No.16 **Dated:17.03.2022**
Read the following:-

1. Revision petition filed by Smt. Nandamuri Atchamamba W/o Satyanarayana Murthy and Smt. Daparthi Sumathi W/o Satyanarayana, West Godavari District, dt.24.05.2001.

2. G.O.Ms.No.111, S.W(LTR-1) Dept, dt.12.06.2008.

3. From the Asst. Registrar, High Court of Judicature at Hyd., orders dt.17.09.2018 in WP.No.15609/2008, filed by Smt. Nandamuri Atchamamba, W/o Satyanarayana Murthy and Smt. Daparthi Sumathi, W/o Satyanarayana, West Godavari District.

ORDER:

In the reference 1st read above, Smt. Nandamuri Atchamamba W/o Satyanarayana Murthy and Smt. Daparthi Sumathi W/o Satyanarayana, West Godavari District has filed the revision petition before the Government of Andhra Pradesh against the orders of Agent to Government, West Godavari District in S.R.A No. 8/1999, dt. 14.02.2001 in respect of land measuring Acres 3.47 cts in R.S. No. 393/5 and measuring Ac. 1.75 cts in R.S. No.393/7 of Pragadapalli (V), Polavaram (M), West Godavari District.

2. Based on the above Revision petition, Government after careful examination of the case records of petitioner have fond that there is no reason to interfere with the orders of the Lower Court and uphold the orders of Agent to Government, West Godavari, Eluru in S.R.A.No. 8/99, dt.14.02.2001 as the transaction made without valid documentary evidence is and void. Hence the Revision petition is dismissed in reference 2nd read above.

3. Aggrieved by the above said orders, Smt. Nandamuri Atchamamba, W/o Satyanarayana Murthy and Smt. Daparthi Sumathi, W/o Satyanarayana, W.G

(P.T.O.)

District has filed W.P.No.15609/2008 before the Hon'ble High Court. The Hon'ble High Court of Andhra Pradesh in its orders dt:17.09.2018 in W.P.Nlo.15609/2008 is as follows:

"the Writ Petition is allowed and the order dt:12.06.2008 in R.P. No.7025/LTR.1/2001 passed by the 4th respondent(Govt.) through G.O. Ms No.111, Social Welfare (LTR.1) Deptt, Dt:12.06.2008 is set aside and the matter is remanded to the 4th respondent(Govt.) and the said authority shall, after giving an opportunity to both parties and upon hearing them, shall decide the Revision Petition with reference to the following issues:

i) Whether or not principle of res judicata *apply in respect of the Ac. 4-22 cts of land in R.S. Nos. 393/5 and 393/7 in view of the earlier order in S.R. Nos. 699/1985 and 700/1985.*

ii) Whether the agreement to sell dated 12.11.1969 pleaded by the 1st petitioner in respect of Ac. 1-10 cts is legally valid so as to obviate the sale transaction from the mischief of Regulation 1/1959 as amended by 1/1970.

4. As per the orders of Hon'ble High Court in W.P.No.15609/2008, dt:17.09.2018, the petitioner and defendants were called for the hearing along with written arguments and records. The Special Deputy Tahsildar (TW), K.R.Puram, West Godavari District and petitioner and defendants have attended the hearings conducted by the Appellate Authority on 09.02.2019 and finally heard on 24.08.2019. In this regard the Appellate Authority observed that:

a. During the course of hearing of the case that the revision petitioner advanced arguments and verification of the documents and grounds of revision and para-wise remarks as well as the other Documents and materials available on the record it is noticed that lower primary authority and lower appellant authority observed that the revision petitioner failed to produce any document in support of her claim of possession of the land as per the regulation.

b. It is observed that as seen from the record that the revision petitioner failed to produce any document in support of their claim of revision petition and failed to discharge the burden as per regulations and further it is observed that the agreement of sale without registration not valid under law and further there is no applicability of principle of res judicata in the present case.

5. After careful examination of the Government, taking into consideration of the above and also the material available on the record Government hereby conclude that, the lower primary authority and lower appellant authority passed the order as per law which does not deserve any interference and accordingly the same is hereby upheld and hence the revision petition is hereby dismissed.

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6. The Collector & District Magistrate, West Godavari District, Eluru is requested to take necessary action in the matter accordingly and acknowledge the receipt of the case records, which are returned herewith.

7. This order shall be published in apegazette.cgg.gov.in

(BY ORDER AND IN THE NAME OF THE GOVERNOR OR ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT (TW)

To
The Agent to Govt. cum Collector & District Magistrate, West Godavari District, Eluru.

The Addl. Agent to Govt. cum Project officer, ITDA, Kotaramachandrapuram, West Godavari District.

The Special Deputy Collector (TW), Polavaram, West Godavari District.

Smt. Nandamuri Atchamamba W/o Satyanarayana Murthy R/o Rajampalem (V), Gopalavaram (M), West Godavari District, Eluru.

Smt. Daparthi Sumathi W/o Satyanarayana, R/o Repallewada (V), Polavaram (M), West Godavari District, Eluru.

Copy to:

The Government Pleader for S.W., APHC.,

Sri C.C.S. Sastry, Advocate, H.No.6-2-45/1O, A.C. Guard, Advocate Colony, Hyd-4

PS to Dy.CM (TW).

PS to Secretary (TW).

The Commissioner of Printing, Govt. of A.P at Govt. Regional Press, Vijayawada.

Sf/Sc

//FORWARDED : : BY ORDER//

SECTION OFFICER